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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,440	11/20/2001	Daryl J. Hlasny	SLA1020	8363

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EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,440

Applicant(s)

HLASNY, DARYL J.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 35 and 55 is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-34, 36-54 and 56-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-60 are still pending for examination.
2. Examiner withdraws the objection to the title.
3. The following is a quotation of 35 U.S.C. § 103(a) that forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-14, 16-34, 36-54 and 56-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meggers et al. [U.S. Patent No. 6,728,270] in view of Official Notice.
5. Meggers et al. disclose (e.g., see Figs. 1-5) the invention substantially as claimed. Taking claims 1 and 15-20 as exemplary claims, the reference disclosed an electronic device (scheduling and admission control of real-time data packet traffic) adapted to communicate among first and second devices network, the device comprising: a processor (scheduling and admission controller of flow chart of Fig. 3); a communication module (a communication system, col. 1, line 8); memory in electronic communication with the processor for storing data (software program, see the abstract); a packet scheduler (e.g., see col. 12 (lines 8-65), col. 4 (lines 46-68), col. 10 (lines 13-62), col. 9 (lines 28-31), col. 8 (lines 7-62), for providing time points defining a schedule (real time traffic, real time delivery time, delivery dateline) for the electronic device to communicate with the other devices; a modified scheduler to modify the schedule to add additional communication bandwidth to at least one communication channel (e.g.,

admission control or packet scheduler of Fig. 3, col. 10 (line 12) to col. 12 (line 60)); and an event queue (e.g., see EDF queue and FIFO queue of Figs. 3-5).

6. While Megger et al. disclose data packets scheduler and the admission and control of the real-time data packet traffic, Megger et al. do not explicitly mention that there are two types of schedulers (e.g., a pseudo-random scheduler and a dynamic scheduler). It would have been obvious to one of ordinary skill in the art to recognize that the teaching of two schedulers (the packet scheduler and modified scheduler) of Megger et al. would have been obviously the two schedulers of the claimed invention while the specific term of pseudo-random and dynamic would have been a matter of calling.

7. As to claims 2 and 5, Megger et al. disclose the implementation of a fair allocation of the bandwidth (e.g., see col. 1, lines 40-41, col. 2, lines 12-13).

8. As to claims 3-4, Megger et al. disclose the extending or reducing previous communication period (the bandwidth can vary in between a certain period during the congestion traffic, see col. 2, lines 17-19).

9. As to claims 6 and 14, Megger et al. disclose the feature of evaluating traffic pending and device availability and modifying the schedule based on the evaluation (e.g., see col. 2, lines 44-59).

10. As to claims 7-8, Megger et al. disclose the implementation of predetermined synchronized and asynchronized method for generating time points (e.g., see col. 6, lines 39-41, col. 8, lines 25-62, and col. 9, line 57).

11. As to claim 9, Megger et al. disclose the feature of a real-time method for generating time points (e.g., see col. 6, line 43, col. 8 (line 67) to col. 9 (line 1), col. 15, line 48).

12. As to claim 10, Megger et al. disclose the event queue comprises a plurality of time points, channel ID and data pending indicators (e.g., see number of N of packet, over all size, maximum transmission time, etc. see col. 8, lines 13-18).

13. As to claims 11 and 14, Examiner takes the Official Notice that the use of state machine or finite state machine in a computer or an electronic design would have been a matter of design choice because the state machine is known as a function which maps sequences of input events into output events.

14. As to claims 12-13, as to the feature of piconet, it would have been obvious to one of ordinary skill in the art to recognize that such piconet would have been a matter of choice because this is nothing more than just a type of network.

15. Claims 15, 35 and 55 are allowed.

16. Claims 21-34, 36-54 and 56-60 are similar in scope as of claims 1-14 and 16-20 and therefore claims 21-34, 36-54 and 56-60 are rejected for the same reasons set forth above for claims 1-14 and 16-20

17. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action with some modification due to the amendment filed xxx.

18. Applicant's arguments filed 5/9/05 have been fully considered but they are not deemed to be persuasive.

19. In the remarks, applicants argued in substance that:

a) Meggers does not teach, "providing pseudo-random time points defining a schedule for the first electronic device to communication with the first device network and the second device network.

b) Meggers' modified admission control packet is not the same as "dynamically modifying the schedule" as recited in the claims.

20. In response to paragraph 19 a) and 19 b) above, Meggers et al. disclose packet scheduler or packet admission controller (e.g., see col. 12 (lines 8-65), col. 4 (lines 46-68), col. 10 (lines 13-62), col. 9 (lines 28-31), col. 8 (lines 7-62), for providing time points defining a schedule (real time traffic, real time delivery time, delivery dateline) for the electronic device to communicate with the other devices; a modified scheduler to modify the schedule to add additional communication bandwidth to at least one communication channel (e.g., admission control or packet scheduler of Fig. 3, col. 10 (line 12) to col. 12 (line 60)); and an event queue (e.g., see EDF queue and FIFO queue of Figs. 3-5).

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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22. Note: Applicant is advised that those steps of the method of claims 41-60 could be easily and mentally performed with pen and pencils. Examiner recommended changing this simple "Method" to "A computer-implemented method."

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

July 12, 2005



KRISNA LIM
PRIMARY EXAMINER